

## **EXHIBIT 1**

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

MAUREEN SULLIVAN-STEMBERG, )  
v. Plaintiff, ) Civil Action No.:  
 ) 04 10298  
TURNER CONSTRUCTION COMPANY and )  
NISHIMATSU CONSTRUCTION CO., LTD. and )  
RAYMOND DEVELOPMENT, INC. and )  
MNOP CORPORATION and )  
JOHN F. HAYES, Individually, and )  
as President of MNOP CORPORATION and )  
FLAGSHIP WHARF CONDO ASSOCIATION, )  
Defendants. )

PLAINTIFF'S NOTICE OF VOLUNTARY DISMISSAL

Now comes Maureen Sullivan-Stemberg, plaintiff in the above-captioned matter, and pursuant to the provisions of Federal Rules of Civil Procedure Rule 41(a)(1)(i) hereby voluntarily dismisses with prejudice and without costs the following:

1. Counts VII, VIII and IX against Raymond Development;
2. Counts X, XI and XII (erroneously labeled as "Count VI" in Complaint) against MNOP Corporation;
3. Counts XIII, XIV and XV against John F. Hayes, Individually and as President of MNOP Corporation;
4. Counts XVI, XVII, XVIII and XIX against Flagship Wharf Condo Association.

This 10 day of May, 2004.

Maureen Sullivan-Stemberg  
by her attorney,



Neil S. Cohen  
Neil S. Cohen, Esq.  
BBO #561173  
One Beacon Street, Suite 3333  
Boston, MA 02108  
(617) 367-2900

CERTIFICATE of SERVICE

I, Neil S. Cohen, counsel for the Plaintiff, Maureen Sullivan-Stemberg, do hereby certify that I served the foregoing Notice of Voluntary Dismissal via first-class U.S. mail, postage pre-paid to:

Neil St. John Raymond,  
President  
Raymond Development, Inc.  
306 Dartmouth Street  
Boston, MA

John F. Hayes, Individually  
and as President of MNOP  
Corporation  
16 Lane Drive  
Norwood, MA 02062

Nelson G. Apjohn, Esq.  
Nutter, McClellan & Fish, LLP  
World Trade Center West  
155 Seaport Boulevard  
Boston, MA 02210-2604

David E. Rosengren, Esq.  
Paul A. Mulroney, Esq.  
Pepe & Hazard, LLP  
225 Franklin Street, 16<sup>th</sup>  
Floor  
Boston, MA 02110

Counsel for Flagship Wharf  
Condo Association

Counsel for Turner  
Construction Company

5/10/04

Date

Neil S. Cohen

Neil S. Cohen, Esquire  
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